

## ORGANIZATION OF THE TERRITORY OF ALASKA.

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MARCH 26, 1888.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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Mr. SPRINGER, from the Committee on the Territories, submitted the following

### REPORT:

[To accompany bill H. R. 8878.]

The Committee on the Territories, to whom was referred the bill (H. R. 6555) to provide for the organization of the Territory of Alaska, having had the same under consideration, report the same back with the accompanying substitute therefor, with the recommendation that the substitute pass and that the original bill lie upon the table.

The condition of that portion of the public domain known as the District of Alaska is peculiar. It was ceded to the United States by the Emperor of Russia on the 30th day of March, 1867, twenty-one years ago. For many years a general misconception prevailed as to the character and value of the country, and it was not until after the lapse of seventeen years succeeding the purchase and transfer that its people were accorded any form of civil government. This, too, notwithstanding the fact that by the third article of the treaty of cession it was stipulated that—

The inhabitants of the ceded territory, according to their choice reserving their natural allegiance, may return to Russia within three years. But if they should prefer to remain in the ceded territory, they, with the exception of the uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion.

Such was, and is, the solemn treaty stipulation and guaranty of this Government, and yet your committee find that for seventeen years following the transfer the seven or eight thousand civilized Russian subjects who elected to become American citizens, to say nothing of those who had gone there from the States, were left almost wholly without protection in the enjoyment of their liberty and property; they were, in fact, deprived of any of the rights, advantages, and immunities of citizens of the United States. During all the time a quasi-military government afforded the only protection which the people there enjoyed to life, liberty, and property. On the 17th day of May, 1884, Congress adopted a measure of partial relief, which, in the opinion of your committee, stopped far short of a full observance of the treaty stipulations above quoted. That act set up a form of civil government wholly devoid of the vital principle of representation, as well as of the essential privilege of local legislation.

The organic act establishing a civil government for Alaska, passed by the Forty-eighth Congress, provides little more than the shadow of

civil government; it so unites in one and the same person executive and judicial powers as to present an anomaly wholly inconsistent with our form of government; it provides a judicial machinery at once complicated, insufficient, and unsatisfactory; it expressly withholds the operation of any part of the general land laws, and provides no means by which its citizens can acquire titles to homes. Aside from all these grave defects, the present organic act is in a great measure inoperative, because incapable of execution without supplemental Territorial legislation.

The act prescribes various duties for officers named therein, which are impossible to be performed without such supplemental legislation. The governor, for instance, by section 2 is made commander-in-chief of the militia, with power to call out the same when necessary to preserve the peace and enforce the laws, and, when the exigency demands, to cause all able-bodied citizens to enroll and serve therein. This duty it would be impossible for him to perform without supplemental legislation providing for details of execution. He is also required to annually report to the President the resources, industries, population, etc., of the district, without adequate means to acquire the specified information or any provision of law by which the defect can be supplied. The clerk of the district court is, by section 4, made *ex officio* recorder of deeds, mortgages, and other transactions relating to real estate, and register of wills, with no provision for the innumerable details necessary to the proper exercise of the functions prescribed. Other officers created by the act have also duties prescribed that, without supplemental legislation, must remain unperformed, or at best be performed in a defective and imperfect manner.

The theory of the original act seems to have been to make the laws of Oregon, then in force, the laws of the new district, so far as applicable, and section 7 so provides. But this provision is found to be entirely impracticable, from the fact that nearly all of the laws of the State, by their nature locally applicable, are drawn with direct reference to the arbitrary divisions of towns and counties, and the functions of elective or appointive officers of such political subdivisions. As the district of Alaska has none of these subdivisions or officers, and no power to create them exists, the laws in question, although in respect to subject-matter applicable, are in practice entirely inoperative. This anomalous condition of affairs, the inevitable result of an extension to the district of laws specially devised for operation in a State or fully organized Territory, seems to have escaped the attention of the framers of the original act. The result has been to leave the new district, with its vast extent of territory and untold resources, practically without the protection of law, and without the power, in itself, to supply the defect.

The vital infirmity of the act here referred to was demonstrated in one of the first steps taken to put it into execution. Section 11 directed that the Attorney-General should forthwith compile and cause to be printed so much of the general laws of the United States as were applicable to the duties of the officers created, and furnish copies of the same to said officers; and also so many copies as might be needed of the laws of Oregon applicable to the district. The Attorney-General, in attempting to obey the direction of this section, found that, owing to the circumstances hereinbefore referred to, it was impossible to compile and furnish the laws of the State; and that even as to the laws of the United States no authentic and reliable compilation could be made. Of the compilation actually made no copies can be found at the National

Capital except two in the library of the Attorney-General. In his preface to this compilation the Attorney-General says :

The organic act, besides providing for the appointment of the above officers, contains provisions of its own as to their duties, and extends over the district the laws of the United States and the State of Oregon, thus rendering the question as to the applicability of some laws difficult of solution ; for this reason doubtful laws have, in some instances, been included, it being wiser to include than to omit them.

#### And again:

In the chapter relating to the district judge, only so much of the laws as relate to a "judge," as contradistinguished from the powers and jurisdiction of a court, are given.

It is thus seen that in compliance with the provisions of the treaty with Russia, guaranteeing to the people of the newly acquired district an adequate form of civil government, they received, with no power in themselves to ameliorate their condition, a system of laws which the Attorney-General himself was unable, even in part, to satisfactorily compile. They have thus to the present day been left with no well-defined or even ascertainable laws affecting the rights of persons or property, and with no power outside of Congress to supply the defect.

No greater misfortune can befall any community than uncertainty in the laws governing it. And when that uncertainty, as in this case, amounts to a practical denial of knowledge as to what the law is, the gravity of the situation demands the immediate attention of Congress. The remedy is to give to the people of the district a Territorial form of government, with a legislative body authorized, as in other Territories, to enact such supplemental legislation as may be necessary to give practical effect to the legislation of Congress.

The Forty-eighth Congress, at its first session, having recognized the necessity which existed for some form of civil government in Alaska by the passage of the act of May 17, 1884, your committee do not consider it necessary to make other than a brief reference to the present condition of the Territory, with reference to its resources, productions, industries, and population. All the reliable information of late years is to the effect that Alaska, for a long time considered practically worthless save for its valuable fur trade, is in fact a country of great and varied natural resources.

The Territory embraces an area variously computed at from 531,000 square miles to 850,000 square miles, the latter estimate having the support of the best and most reliable authority. Its landed area is fifteen times larger than the State of Illinois, extending, as it does, more than 2,500 miles from east to west, and nearly, if not quite, 1,500 miles from north to south. It has a civilized population of about 12,000—6,800 whites and 5,500 natives, including the Aleuts, who are, to all intents and purposes, civilized, and more or less educated, either in their own or in the Russian language. The white population is steadily, if not rapidly, increasing, and your committee have every reason to believe that immediately following the institution of a more perfect form of government, such as the bill now reported provides, immigration to the Territory will be largely augmented. The uncivilized population is estimated to be about 30,000.

There is no discrepancy between these statements of white population and that given in the eighth volume of the Tenth Census, for the reason that fully 75 per cent. of the white people now in the Territory have gone there since that enumeration was made. At the same time your committee desire to point out a contradiction in the census report itself, which in large measure corroborates the reliability of the esti-

mate of white population made by those best informed in regard to the present condition of the Territory. In the recapitulatory statement to be found on page 33 of the volume referred to, the white population of the whole Territory is set down at 430, and the number of Creoles stated at 1,756. The Creoles are descendants of a mixed parentage—Russian fathers and native mothers—and are practically white; certainly of the class to whom the treaty guaranties enjoyment of all the rights, advantages and immunities of citizens of the United States—as are also the Aleuts, whose number is given at 2,145. According to this tabulated statement, therefore, the civilized population of Alaska in 1880 was 4,331. But it appears that this report was not transmitted to the Census Bureau until August, 1882, and on page 77 of the same report will be found conclusive evidence going to show that the white population had in the mean time increased to the extent of several thousand. The special agent who made the enumeration says:

Since 1880, however, much gold has been found in the mountains on Gastineaux Channel, between Douglas Island and the main-land, chiefly from the decomposed croppings of ledges. These discoveries have attracted several thousand miners and their followers, and a thriving town, now named Juneau City, has sprung up, claiming very bright prospects, in spite of the long interval of enforced idleness between December and April.

Since then the number of white residents has more than doubled, and your committee regard the estimate of the present white and civilized population of the Territory, deduced from the most reliable authority, as altogether a conservative one. It is remarkable that, under the circumstances, there should be any immigration of consequence into the Territory. Having reference to population alone as the basis for organization, no substantial reason can be urged against granting to Alaska a form of civil government which will insure to her people, as nearly as may be, full enjoyment of all the rights, advantages, and immunities of American citizens. The history of Territorial government shows that the full endowment of any section with the rights of citizenship has always redounded to the benefit not only of that immediate section, but to that of the whole country.

If at the time, or immediately after the acquisition of Alaska, that Territory had been provided with a form of civil government such as your committee now recommend, there is little reason to doubt that it might have had by this time a population nearly, if not quite, large enough to warrant the admission of the Territory as one of the States of the Union.

Concerning the natural resources of the country, your committee can do little more than refer to the official report of its governor for the year ending October 1, 1887. This report but corroborates other reliable evidence going to show that the country is one of vast and practically inexhaustible natural resources. It seems to be possessed of almost interminable forests of valuable timber, wide areas of available grazing lands, while its waters, extending all the way from the southern boundary to the Arctic Ocean, appear to be an inexhaustible reservoir of the best food-fishes. Its seal fisheries alone pay a revenue of \$317,500 to the Government, while many other sources of public revenue remain to be utilized. The wealth of its mineral resources is beyond all computation. It has now gold mines already developed which produce about \$2,500,000 a year. It is estimated by those who ought to know, that the island on which the gold mines are located is worth many times more than was paid for the whole Territory. Great deposits of coal, the quality of which has not yet been determined, are reported, and

there is reason to believe that almost every known mineral may be found in the Territory.

Alaska, as is generally supposed, is not devoid of agricultural and horticultural capabilities. There are large bodies of arable lands in the Territory, possessed of a rich soil, in which the wild grasses attain a luxuriant growth. There are also many varieties of wild fruits, which grow in profusion. In this regard the Territory can sustain a large population by its own natural productions. It is, in the opinion of your committee, not only a country of assured future importance, but one the development of the natural resources of which will add immeasurably to the wealth of the whole country. In view of the important interests involved, should the present crude, imperfect, and altogether anomalous form of civil government—a mere shadow, devoid of substance—be continued, or should Alaska be provided with a government which comports more with the genius of our institutions? Your committee can see no reason why Alaska should be made an exception to the general rule invariably followed in the creation of local governments for the Territories. There can be no question but that her people are as much entitled to our protection and care—just as much entitled to the enjoyment of the rights incident to American citizenship—as are the citizens of the other Territories.

It will scarcely be denied that local self-government is among the rights and advantages guarantied to the people of Alaska by the treaty of cession. They are certainly entitled to the exercise of those rights which are of vital importance to the development of the natural resources of a new and undeveloped country. Without an extension of these rights to Alaska her growth in wealth and population must necessarily be slow and unsatisfactory. But should Congress provide Alaska suitable laws and a Territorial government your committee have every reason to believe her development and substantial growth will be such as to more than justify the proposed legislation.

Your committee therefore respectfully recommend the passage of the accompanying substitute and that the original bill lie upon the table.

All of which is respectfully submitted.

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